

Whereas the free exercise of religion must be conducted in a constitutionally appropriate manner;

Whereas, in *Zorach v. Clauson*, 343 U.S. 306 (1952), the United States Supreme Court held that a statute that provides for the release of public school pupils from school attendance to attend religious classes is constitutional if—

(1) the programs take place away from school grounds;

(2) school officials do not promote attendance at religious classes; and

(3) the solicitation of students to attend is not done at the expense of public schools; and

Whereas the Constitution of the United States and the laws of the States allow the school districts of the States to release public school pupils from school attendance to attend religious classes: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) calls on all 50 States to recognize and accommodate those churches, faith-based organizations, and individuals that wish to release public school pupils from school attendance to attend religious classes; and

(2) respectfully requests the President of the United States to proclaim the third week of November 2006 as “Bible Education in School Time Week”.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3825. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3627 submitted by Mr. VITTER to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 3826. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3827. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3828. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3829. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3635 submitted by Mr. ALLEN (for himself and Mr. BURR) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3830. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3831. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3832. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3833. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3834. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3835. Mrs. BOXER submitted an amendment intended to be proposed to amendment

SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3836. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3837. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3714 proposed by Mrs. MURRAY (for Mr. HARKIN) to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3838. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3839. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3840. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3841. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3842. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3843. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3844. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3845. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3846. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3847. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3848. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3849. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3688 submitted by Mr. KENNEDY to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3850. Mr. WYDEN (for himself, Mr. KYL, Mr. LIEBERMAN, Ms. SNOWE, Mr. LAUTENBERG, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3665 proposed by Mr. WYDEN to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3851. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3593 submitted by Ms. LANDRIEU and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3852. Mr. LIEBERMAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3853. Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3854. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3816 submitted by Mrs. BOXER and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3855. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 3717 submitted by Mr. BIDEN and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3856. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3857. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3858. Mr. ENSIGN (for Mr. MCCAIN) proposed an amendment to the bill S. 1003, to amend the Act of December 22, 1974, and for other purposes.

SA 3859. Mr. ENSIGN (for Mr. MCCAIN) proposed an amendment to amendment SA 3858 proposed by Mr. ENSIGN (for Mr. MCCAIN) to the bill S. 1003, supra.

#### TEXT OF AMENDMENTS

**SA 3825.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3627 submitted by Mr. VITTER to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(c) The amendments made by subsections (a) and (b) shall be effective for the period beginning on the date of enactment of this Act and ending on October 1, 2008.

**SA 3826.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 229, strike lines 5 through 14.

**SA 3827.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 3 and all that follows through the end and insert the following:

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike “(2)” and insert “(3)”.

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike “(f)” and insert “(e)”.

On page 230, strike lines 6 through 18 and insert the following:

**SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed \$147,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11. On page 233 line 12, strike “3043” and insert “3042”.

**SA 3828.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006,

and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 3 and all that follows through the end and insert the following:

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike “(2)” and insert “(3)”.

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike “(f)” and insert “(e)”.

Beginning on page 228, strike line 4 and all that follows through page 230, line 18 and insert the following:

**SEC. 3021. REPLENISHMENT OF SECTION 32.**

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term “specialty crop” means any agricultural crop.

(2) EXCEPTION.—The term “specialty crop” does not include—

- (A) wheat;
- (B) feed grains;
- (C) oilseeds;
- (D) cotton;
- (E) rice;
- (F) peanuts; or
- (G) dairy.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use \$25,500,000 of funds of the Commodity Credit Corporation to make grants to the several States, the District of Columbia, and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be—

(A) \$500,000 to each of the several States; and

(B) \$250,000 to each of the Commonwealth of Puerto Rico and the District of Columbia.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use \$49,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock production of the United States for the 2004 crop year, as determined by the Secretary; by

(2) \$49,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes, as determined by the Secretary.

**SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed \$172,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike “3043” and insert “3042”.

**SA 3829.** Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3635 submitted by Mr. ALLEN (for himself and Mr. BURR) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 23, strike “including any” and insert the following: “including—

“(aa) ethanol, when blended into gasoline in a concentration of 20 percent by volume; and

“(bb) any

**SA 3830.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 224, strike line 23 through line 10 on page 225.

**SA 3831.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the pending amendment and insert in lieu thereof:

“That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or

parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina."

**SA 3832.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

"That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina."

**SA 3833.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TAX CREDIT FOR VEHICLES WITH HIGH FUEL ECONOMY

SEC. . For purposes of the Internal Revenue Code of 1986, there shall be allowed as credit against the tax imposed during the taxable year in which the vehicle is placed in service an amount of \$1000 for purchase of a vehicle that obtains a minimum fuel economy of 45 miles per gallon.

**SA 3834.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

INVESTIGATION OF GASOLINE PRICES

SEC. 7032. (a) IN GENERAL.—If, based on weekly data published by the Energy Information Administration of the Department of Energy, the average price of regular grade gasoline in a State increases 20 percent or more for at least 7 days during any 3-month period, the Federal Trade Commission shall initiate an investigation into the retail price of gasoline in that State to determine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of manipulation.

(b) REPORT.—Not later than 14 days after the initiation of the investigation described in subsection (a), the Federal Trade Commis-

sion shall report to Congress the results of the investigation.

(c) PUBLIC MEETING.—Not later than 14 days after issuing the report described in subsection (b), the Federal Trade Commission shall hold a public hearing in the State in which the retail price of gasoline was investigated as described in subsection (a) for the purpose of presenting the results of the investigation.

(d) ACTION ON PRICE INCREASE.—

(1) FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is a result of market manipulation, the Federal Trade Commission shall, in cooperation with the Attorney General of that State, take appropriate action.

(2) NO FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is not the result of market manipulation, the Federal Trade Commission shall notify the Secretary of Energy, who shall, within 2 weeks of such notification, decide if the Strategic Petroleum Reserve should be used to assure adequate supplies of gasoline.

(e) TERMINATION.—This section shall cease to apply on the date that is 5 years after the date of enactment of this Act.

**SA 3835.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

FUEL ASSISTANCE FROM OIL COMPANIES PROVIDING HIGH EMPLOYEE BONUS OR RETIREMENT PACKAGES

SEC. 7 \_\_\_\_\_. (a) In this section, the term "large integrated oil company" means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) that—

(1) has gross receipts in excess of \$1,000,000 for the taxable year; and

(2) has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year.

(b) Notwithstanding any other provision of law, if a large integrated oil company provides to an officer or employee of the large integrated oil company a salary, bonus or retirement package of more than \$50,000,000, the large integrated oil company shall pay an equal amount into the Low Income Home Energy Assistance Program.

**SA 3836.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

FUEL-EFFICIENT VEHICLES

SEC. \_\_\_\_\_. (a) None of the funds made available in this Act may be used to purchase a vehicle for the Federal government that is not fuel-efficient to the greatest extent possible, consistent with other federal laws.

(b) Not later than 6 months after the date of the enactment of this Act, the President shall submit to Congress a report on the number and type of vehicles purchased by the Federal government, including the fuel economy of such vehicles.

**SA 3837.** Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3714 proposed by Mrs. MURRAY (for Mr. HARKIN) to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

UNITED STATES INSTITUTE OF PEACE PROGRAMS  
IN IRAQ AND AFGHANISTAN

SEC. 1406. (a)(1) The amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND" is hereby increased by \$8,500,000.

(2) The amount made available under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) Of the amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND", as increased by subsection (a), \$8,500,000 shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan.

(c) Of the funds made available by chapter 2 of title II of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005" (Public Law 109-13) for military assistance under the heading "PEACEKEEPING OPERATIONS" and available for the Coalition Solidarity Initiative, \$8,500,000 is rescinded.

**SA 3838.** Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

On page 207, lines 5 and 6, strike "paragraph (2)" and insert "paragraphs (2) and (3)".

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike "(2)" and insert "(3)".

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike "(f)" and insert "(e)".

On page 230, strike lines 6 through 18 and insert the following:

SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title

I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed \$147,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike “3043” and insert “3042”.

**SA 3839.** Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

On page 207, lines 5 and 6, strike “paragraph (2)” and insert “paragraphs (2) and (3)”.

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike “(2)” and insert “(3)”.

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike “(f)” and insert “(e)”.

Beginning on page 228, strike line 4 and all that follows through page 230, line 18 and insert the following:

#### SEC. 3021. REPLENISHMENT OF SECTION 32.

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term “specialty crop” means any agricultural crop.

(2) EXCEPTION.—The term “specialty crop” does not include—

- (A) wheat;
- (B) feed grains;
- (C) oilseeds;
- (D) cotton;
- (E) rice;
- (F) peanuts; or

(G) dairy.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use \$25,500,000 of funds of the Commodity Credit Corporation to make grants to the several States, the District of Columbia, and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be—

(A) \$500,000 to each of the several States; and

(B) \$250,000 to each of the Commonwealth of Puerto Rico and the District of Columbia.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use \$49,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock production of the United States for the 2004 crop year, as determined by the Secretary; by

(2) \$49,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes, as determined by the Secretary.

#### SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed \$172,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike “3043” and insert “3042”.

**SA 3840.** Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following text:

#### SEC. FEDERAL AND CAPITOL COMPLEX FLEET REQUIREMENTS.

(a) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue regulations for Federal fleets subject to the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.) requiring that not later than fiscal year 2016 each Federal agency achieve at least a 30 percent reduction in petroleum consumption, as calculated from the baseline established by the Secretary for fiscal year 1999.

(2) REQUIREMENT.—Not later than fiscal year 2016, of the Federal vehicles required to be alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.), at least 30 percent shall be hybrid motor vehicles (including plug-in hybrid motor vehicles) or new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986).

(b) INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.—Section 508(a) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)) is amended—

(1) by inserting “(1)” before “The Secretary”; and

(2) by adding at the end the following:

“(2) Not later than January 31, 2007, the Secretary shall—

“(A) allocate credit in an amount to be determined by the Secretary for—

“(i) acquisition of—

“(I) a light-duty hybrid electric vehicle;

“(II) a plug-in hybrid electric vehicle;

“(III) a fuel cell electric vehicle;

“(IV) a medium- or heavy-duty hybrid electric vehicle;

“(V) a neighborhood electric vehicle; or

“(VI) a medium- or heavy-duty dedicated vehicle; and

“(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

“(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

“(i) a reduction in petroleum demand;

“(ii) technological advancement; and

“(iii) enhanced environmental performance and compliance with federal environmental law.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including the amendments made by subsection (b)) \$10,000,000 for the period of fiscal years 2007 through 2012.

#### SEC. CAPITOL COMPLEX VEHICLES

(a) STUDY ON TRANSPORTATION INFRASTRUCTURE.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall conduct a study to evaluate accelerated procurement of hybrid and alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.) as amended by this Act for use in the Capitol Complex and determine how the existing transportation system could be augmented to become more energy efficient, use hybrid and alternative fueled vehicles and other unconventional and renewable fuels, in a way that would enable the conduct of routine maintenance and provide for additional transport for Members of Congress and staff

between locations in the Complex. Such study should seek to ensure that no fewer than 30 percent of the vehicles in the Capitol Complex are hybrid and alternative fueled vehicles by 2010, and may set a more aggressive procurement goal as practicable.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Architect of the Capitol shall transmit to Congress a report containing the results of the study conducted under subsection (a).

(c) **AUTHORIZATION.**—There are authorized to be appropriated to the Architect of the Capitol such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

**SA 3841.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16.

**SA 3842.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 16 of the amendment, strike line 3 and all that follows through page 17, line 4.

**SA 3843.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of p. 4, line 17 of the amendment, insert the following section:

**SEC. . CREDIT FOR EQUIPMENT FOR PROCESSING OR SORTING MATERIALS GATHERED THROUGH RECYCLING.**

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code (relating to business-related credits), as amended by the Energy Policy Act of 2005 (Public Law 109-58), is amended by adding at the end the following new section:

**“SEC. 45M. CREDIT FOR QUALIFIED RECYCLING EQUIPMENT.**

“(a) **ALLOWANCE OF CREDIT.**—For purposes of section 38, the qualified recycling equipment credit determined under this section for the taxable year is an amount equal to the amount paid or incurred during the taxable year for the cost of qualified recycling equipment placed in service or leased by the taxpayer.

“(b) **LIMITATION.**—The amount allowable as a credit under subsection (a) with respect to any qualified recycling equipment shall not exceed—

“(1) in the case of such equipment described in subsection (c)(1)(A)(i), 15 percent of the cost of such equipment, and

“(2) in the case of such equipment described in subsection (c)(1)(A)(ii), 15 percent of so much of the cost of each piece of equipment as exceeds \$400,000.

“(c) **DEFINITIONS.**—For purposes of this section—

“(1) **QUALIFIED RECYCLING EQUIPMENT.**—

“(A) **IN GENERAL.**—The term ‘qualified recycling equipment’ means equipment, including connecting piping—

“(i) employed in sorting or processing residential and commercial qualified recyclable materials described in paragraph (2)(A) for the purpose of converting such materials for use in manufacturing tangible consumer products, including packaging, or

“(ii) the primary purpose of which is the shredding and processing of qualified recyclable materials described in paragraph (2)(B).

“(B) **EQUIPMENT AT COMMERCIAL OR PUBLIC VENUES INCLUDED.**—For purposes of subparagraph (A)(i), such term includes equipment which is utilized at commercial or public venues, including recycling collection centers, where the equipment is utilized to sort or process qualified recyclable materials for such purpose.

“(C) **EXCLUSION.**—Such term does not include rolling stock or other equipment used to transport recyclable materials.

“(2) **QUALIFIED RECYCLABLE MATERIALS.**—The term ‘qualified recyclable materials’ means—

“(A) any packaging or printed material which is glass, paper, plastic, steel, or aluminum, and

“(B) any electronic waste (including any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or a central processing unit),

generated by an individual or business and which has been separated from solid waste for the purposes of collection and recycling.

“(3) **PROCESSING.**—The term ‘processing’ means the preparation of qualified recyclable materials into feedstock for use in manufacturing tangible consumer products.

“(d) **AMOUNT PAID OR INCURRED.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘amount paid or incurred’ includes installation costs.

“(2) **LEASE PAYMENTS.**—In the case of the leasing of qualified recycling equipment by the taxpayer, the term ‘amount paid or incurred’ means the amount of the lease payments due to be paid during the term of the lease occurring during the taxable year other than such portion of such lease payments attributable to interest, insurance, and taxes.

“(3) **GRANTS, ETC. EXCLUDED.**—The term ‘amount paid or incurred’ shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

“(e) **OTHER TAX DEDUCTIONS AND CREDITS AVAILABLE FOR PORTION OF COST NOT TAKEN INTO ACCOUNT FOR CREDIT UNDER THIS SECTION.**—No deduction or other credit under this chapter shall be allowed with respect to the amount of the credit determined under this section.

“(f) **BASIS ADJUSTMENTS.**—For purposes of this subtitle, if a credit is allowed under this section for any amount paid or incurred with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **CREDIT MADE PART OF GENERAL BUSINESS CREDIT.**—Subsection (b) of section 38, as

amended by this Act, is amended by striking “plus” at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting “; plus”, and by adding at the end the following new paragraph:

“(23) the qualified recycling equipment credit determined under section 45M(a).”.

(2) Subsection (a) of section 1016, as amended by this Act, is amended by striking “and” at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting “; and”, and by adding at the end the following new paragraph:

“(39) to the extent provided in section 45M(f), in the case of amounts with respect to which a credit has been allowed under section 45M.”.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45L the following new item:

“Sec. 45M. Credit for qualified recycling equipment.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

**SA 3844.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of p. 4, line 17 of the amendment, insert the following section:

**“SEC. . CREDIT FOR EQUIPMENT FOR PROCESSING OR SORTING MATERIALS GATHERED THROUGH RECYCLING.**

(a) **IN GENERAL.**—Subpart IV of part H of subchapter A of chapter 1 of the Internal Revenue Code (relating to business-related credits), as amended by the Energy Policy Act of 2005 (Public Law 109-58), is amended by adding at the end the following new section:

**“SEC. 45M. CREDIT FOR QUALIFIED RECYCLING EQUIPMENT.**

“(a) **ALLOWANCE OF CREDIT.**—For purposes of section 38, the qualified recycling equipment credit determined under this section for the taxable year is an amount equal to the amount paid or incurred during the taxable year for the cost of qualified recycling equipment placed in service or leased by the taxpayer.

“(b) **LIMITATION.**—The amount allowable as a credit under subsection (a) with respect to any qualified recycling equipment shall not exceed—

“(1) in the case of such equipment described in subsection (c)(1)(A)(i), 15 percent of the cost of such equipment, and

“(2) in the case of such equipment described in subsection (c)(1)(A)(ii), 15 percent of so much of the cost of each piece of equipment as exceeds \$400,000.

“(c) **DEFINITIONS.**—For purposes of this section—

“(1) **QUALIFIED RECYCLING EQUIPMENT.**—

“(A) **IN GENERAL.**—The term ‘qualified recycling equipment’ means equipment, including connecting piping—

“(i) employed in sorting or processing residential and commercial qualified recyclable materials described in paragraph (2)(A) for the purpose of converting such materials for use in manufacturing tangible consumer products, including packaging, or

“(ii) the primary purpose of which is the shredding and processing of qualified recyclable materials described in paragraph (2)(B).

“(B) EQUIPMENT AT COMMERCIAL OR PUBLIC VENUES INCLUDED.—For purposes of subparagraph (A)(i), such term includes equipment which is utilized at commercial or public venues, including recycling collection centers, where the equipment is utilized to sort or process qualified recyclable materials for such purpose.

“(C) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport recyclable materials.

“(2) QUALIFIED RECYCLABLE MATERIALS.—The term ‘qualified recyclable materials’ means—

“(A) any packaging or printed material which is glass, paper, plastic, steel, or aluminum, and

“(B) any electronic waste (including any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or a central processing unit),

generated by an individual or business and which has been separated from solid waste for the purposes of collection and recycling.

“(3) PROCESSING.—The term ‘processing’ means the preparation of qualified recyclable materials into feedstock for use in manufacturing tangible consumer products.

“(d) AMOUNT PAID OR INCURRED.—For purposes of this section—

“(1) IN GENERAL.—The term ‘amount paid or incurred’ includes installation costs.

“(2) LEASE PAYMENTS.—In the case of the leasing of qualified recycling equipment by the taxpayer, the term ‘amount paid or incurred’ means the amount of the lease payments due to be paid during the term of the lease occurring during the taxable year other than such portion of such lease payments attributable to interest, insurance, and taxes.

“(3) GRANTS, ETC. EXCLUDED.—The term ‘amount paid or incurred’ shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

“(e) OTHER TAX DEDUCTIONS AND CREDITS AVAILABLE FOR PORTION OF COST NOT TAKEN INTO ACCOUNT FOR CREDIT UNDER THIS SECTION.—No deduction or other credit under this chapter shall be allowed with respect to the amount of the credit determined under this section.

“(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any amount paid or incurred with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.”.

(b) CONFORMING AMENDMENTS.—

(1) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking “plus” at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting “, plus”, and by adding at the end the following new paragraph:

“(23) the qualified recycling equipment credit determined under section 45M(a).”.

(2) Subsection (a) of section 1016, as amended by this Act, is amended by striking “and” at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting “; and”, and by adding at the end the following new paragraph:

“(39) to the extent provided in section 45M(t), in the case of amounts with respect to which a credit has been allowed under section 45M.”.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45L the following new item:

“Sec. 45M. Credit for qualified recycling equipment.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

**SA 3845.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16, and on page 47 of the amendment strike line 18 and all that follows through page 49, line 4.

**SA 3846.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16.

**SA 3847.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 16 of the amendment, strike line 3 and all that follows through page 17, line 4.

**SA 3848.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following text:

#### **SEC. . FEDERAL AND CAPITOL COMPLEX FLEET REQUIREMENTS.**

(a) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue regulations for Federal fleets subject to the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.) requiring that not later than fiscal year 2016 each Federal agency achieve at least a 30 percent reduction in petroleum consumption, as calculated from the baseline established by the Secretary for fiscal year 1999.

(2) REQUIREMENT.—Not later than fiscal year 2016, of the Federal vehicles required to be alternative fueled vehicles under title V

of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.), at least 30 percent shall be hybrid motor vehicles (including plug-in hybrid motor vehicles) or new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986).

(b) INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.—Section 508(a) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)) is amended—

(1) by inserting “(1)” before “The Secretary”; and

(2) by adding at the end the following:

“(2) Not later than January 31, 2007, the Secretary shall—

“(A) allocate credit in an amount to be determined by the Secretary for—

“(i) acquisition of—

“(I) a light-duty hybrid electric vehicle;

“(II) a plug-in hybrid electric vehicle;

“(III) a fuel cell electric vehicle;

“(IV) a medium- or heavy-duty hybrid electric vehicle;

“(V) a neighborhood electric vehicle; or

“(VI) a medium- or heavy-duty dedicated vehicle; and

“(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

“(B) allocate more than I, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

“(i) a reduction in petroleum demand;

“(ii) technological advancement; and

“(iii) enhanced environmental performance and compliance with federal environmental law.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including the amendments made by subsection (b)) \$10,000,000 for the period of fiscal years 2007 through 2012.

#### **SEC. CAPITOL COMPLEX VEHICLES.**

(a) STUDY ON TRANSPORTATION INFRASTRUCTURE.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall conduct a study to evaluate accelerated procurement of hybrid and alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.) as amended by this Act for use in the Capitol Complex and determine how the existing transportation system could be augmented to become more energy efficient, use hybrid and alternative fueled vehicles and other unconventional and renewable fuels, in a way that would enable the conduct of routine maintenance and provide for additional transport for Members of Congress and staff between locations in the Complex. Such study should seek to ensure that no fewer than 30 percent of the vehicles in the Capitol Complex are hybrid and alternative fueled vehicles by 2010, and may set a more aggressive procurement goal as practicable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Architect of the Capitol shall transmit to Congress a report containing the results of the study conducted under subsection (a).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Architect of the Capitol such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

**SA 3849.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3688 submitted by Mr. KENNEDY to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:



At the end of the amendment, add the following:

SEC. \_\_\_\_\_. Of the funds provided in this chapter for the Economic Support Fund, not less than \$106,000,000 should be made available for the purpose of supporting democracy programs in Iraq.

**SA 3850.** Mr. WYDEN (for himself, Mr. KYL, Mr. LIEBERMAN, Ms. SNOWE, Mr. LAUTENBERG, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3665 proposed by Mr. WYDEN to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

PROHIBITION OF FUNDS FOR OIL AND NATURAL GAS ROYALTY RELIEF

SEC. 7032. (a) No funds made available under this Act or any other Act for any fiscal year for royalty and offshore minerals management may be used by the Secretary of the Interior to provide relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land during any year in which—

(1) for the production of oil, the arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil is greater than \$55 a barrel; and

(2) for the production of natural gas, the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas is greater than \$10 per million British thermal units.

(b) In administering funds made available for royalty or offshore minerals management, the Secretary of the Interior may waive or specify alternative requirements if the Secretary of the Interior determines that royalty relief is necessary to avoid oil or natural gas supply disruptions as a consequence of hurricanes or other natural disasters.

**SA 3851.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3593 submitted by Ms. LANDRIEU and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be added, add the following:

CHAPTER \_\_\_\_\_

FLEXIBILITY IN HURRICANE EDUCATION FUNDING

SEC. \_\_\_\_\_. Notwithstanding any other provision of law, the Director of the Federal Emergency Management Agency, in providing assistance to entities located in Louisiana that are seeking reimbursement for damages incurred to public schools due to the effects of Hurricane Katrina or Hurricane Rita, shall provide the aggregate amount of such assistance directly to the State educational agency serving Louisiana to enable such agency to pay for expenses related to school reconstruction, renovation, or repair, as determined appropriate by such agency.

**SA 3852.** Mr. LIEBERMAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to

amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 29 of the amendment, strike line 17 and all that follows through page 54, line 25.

**SA 3853.** Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract exceeding \$500,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code.

**SA 3854.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3816 submitted by Mrs. BOXER and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SENSE OF SENATE ON ESTABLISHMENT OF DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH

SEC. \_\_\_\_\_. It is the sense of the Senate that the Secretary of Defense should comply with section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3348) and immediately establish, and appoint the members of, the Department of Defense task force on mental health required pursuant to that section.

**SA 3855.** Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 3717 submitted by Mr. BIDEN and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES IN IRAQ

SEC. 7032. None of the funds made available by title I of this Act may be made available to establish permanent United States mili-

tary bases in Iraq, or to exercise United States control over the oil infrastructure or oil resources of Iraq.

**SA 3856.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16, and on page 47 of the amendment strike line 18 and all that follows through page 49, line 4.

**SA 3857.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following: "Provided further, That, of the amount provided under this heading, \$500,000 shall be made available for the construction, operation, and maintenance, at full Federal expense, of a dispersal barrier project at the Lake Champlain Canal, Vermont.

**SA 3858.** Mr. ENSIGN (for Mr. MCCAIN) proposed an amendment to the bill S. 1003, to amend the Act of December 22, 1974, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Navajo-Hopi Land Settlement Amendments of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Effect of Act.

TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

Sec. 101. Repeal of sections.

Sec. 102. Definitions; division of land.

Sec. 103. Joint ownership of minerals.

Sec. 104. Actions.

Sec. 105. Paiute Indian allotments.

Sec. 106. Partitioned and other designated land.

Sec. 107. Resettlement land for Navajo Tribe.

Sec. 108. Office of Navajo and Hopi Indian Relocation.

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Sec. 110. Relocation of households and members.

Sec. 111. Relocation housing.

Sec. 112. Payment for use of land.

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Sec. 114. Actions for accounting, fair value of grazing, and claims for damages to land.

Sec. 115. Joint use.

Sec. 116. Religious ceremonies; piping of water.

- Sec. 117. Access to religious shrines.  
 Sec. 118. Exclusion of Payments from certain Federal determinations of income.  
 Sec. 119. Authorization of exchange.  
 Sec. 120. Severability.  
 Sec. 121. Authorization of appropriations.  
 Sec. 122. Discretionary fund.  
 Sec. 123. Attorney fees and court costs.  
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## TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

- Sec. 201. Definitions.  
 Sec. 202. Transfer of functions.  
 Sec. 203. Personnel provisions.  
 Sec. 204. Delegation and assignment.  
 Sec. 205. Reorganization.  
 Sec. 206. Rules.  
 Sec. 207. Transfer and allocations of appropriations and personnel.  
 Sec. 208. Incidental transfers.  
 Sec. 209. Effect on personnel.  
 Sec. 210. Separability.  
 Sec. 211. Transition.  
 Sec. 212. Report.  
 Sec. 213. References.  
 Sec. 214. Additional conforming amendment.  
 Sec. 215. Effect of title.  
 Sec. 216. Effective date.

## TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

- Sec. 301. Separation pay.  
 Sec. 302. Federal retirement.

### SEC. 2. FINDINGS.

Congress finds that—  
 (1) the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (commonly known as the “Navajo-Hopi Land Settlement Act of 1974”) was enacted to address the century-long land disputes between the Navajo Tribe and the Hopi Tribe and to establish a relocation process to remove, by December 31, 1986, Navajos and Hopis from land allocated to the other tribe by requiring the filing of a relocation plan;

(2) the Office of Navajo and Hopi Relocation was established in 1988 as a temporary independent agency to implement a 1981 relocation plan under that Act to relocate eligible families that lived on disputed land as of December 22, 1974;

(3) the relocation process has been plagued with controversy and delay, and Congress has had to amend the Act several times to authorize the expansion of original relocation activity and to provide additional appropriations for the implementation of relocation activities;

(4) the Office of Navajo and Hopi Indian Relocation has reviewed over 4,600 applications, considered numerous appeals, provided relocation homes for over 3,600 families;

(5) the Office of Navajo and Hopi Indian Relocation has provided financial assistance and technical support to the Navajo Tribe and the Hopi Tribe to address the impacts of relocation, including the operation of livestock grazing programs and resources to assist in the resettlement of individuals;

(6) individual Navajos and Hopis have had over 20 years during which to apply for and receive relocation benefits or to appeal a finding of ineligibility through the Office of Navajo and Hopi Relocation and in Federal district court; and

(7) the Office of Navajo and Hopi Relocation has had sufficient time in which to notify potential eligible applicants of the opportunity to receive relocation benefits, to certify that specific individuals qualify for such benefits, and to provide eligible individuals with replacement housing, counseling, and other assistance to adapt to relocation on Indian land or within non-Indian communities.

### SEC. 3. EFFECT OF ACT.

Nothing in this Act, or an amendment made by this Act—

(1) limits or otherwise affects any determination of a court, including a determination relating to an action pending as of the date of enactment of this Act, relating to a dispute of the Navajo Indian tribe or the Hopi Indian tribe with respect to—

(A) land; or

(B) any settlement agreement; or

(2) authorizes any cause of action not in existence on the day before the date of enactment of this Act.

## TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

### SEC. 101. REPEAL OF SECTIONS.

(a) IN GENERAL.—The Act of December 22, 1974 (25 U.S.C. 640d et seq.), is amended in the first undesignated section by striking “That, (a) within” and all that follows through the end of the section.

(b) ADDITIONAL REPEALS.—Sections 2 through 5 and sections 26, 28, and 30 of the Act of December 22, 1974 (25 U.S.C. 640d-1 through 640d-4; 88 Stat. 1723; 25 U.S.C. 640d-26, 640d-28), are repealed.

### SEC. 102. SHORT TITLE; DEFINITIONS.

Section 6 of the Act of December 22, 1974 (25 U.S.C. 640d-5), is amended by striking “SEC. 6. The Mediator” and all that follows through the end of the section and inserting the following:

#### “SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Navajo-Hopi Land Settlement Act’.

#### “SEC. 2. DEFINITIONS.

“In this Act:

“(1) DISTRICT COURT.—The term ‘District Court’ means the United States District Court for the District of Arizona.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(3) TRIBE.—The term ‘Tribe’ means—

“(A) the Navajo Indian Tribe; and

“(B) the Hopi Indian Tribe.”.

### SEC. 103. JOINT OWNERSHIP OF MINERALS.

Section 7 of the Act of December 22, 1974 (25 U.S.C. 640d-6), is amended—

(1) by striking “SEC. 7. Partition” and inserting the following:

#### “SEC. 3. JOINT OWNERSHIP OF MINERALS.

“(a) IN GENERAL.—Partition”; and

(2) in the second sentence, by striking “All” and inserting the following:

“(b) JOINT MANAGEMENT.—All”.

### SEC. 104. ACTIONS.

Section 8 of the Act of December 22, 1974 (25 U.S.C. 640d-7), is amended—

(1) by striking “SEC. 8. (a) Either Tribe” and inserting the following:

#### “SEC. 4. ACTIONS.

“(a) ACTIONS IN DISTRICT COURT.—Either Tribe”;

(2) in subsection (b)—

(A) in the first sentence, by striking “(b) Lands, if any,” and inserting the following:

“(b) ALLOCATION OF LAND.—

“(1) NAVAJO RESERVATION.—Any land”;

(B) in the second sentence, by striking “Lands, if any,” and inserting the following:

“(2) HOPI RESERVATION.—Any land”; and

(C) in the third sentence, by striking “Any lands” and inserting the following:

“(3) JOINT AND UNDIVIDED INTERESTS.—Any land”;

(3) in subsection (c)—

(A) by striking “(c)(1) Either” and inserting the following:

“(c) EXCHANGE OF LAND.—

“(1) IN GENERAL.—Either”;

(B) in paragraph (2), by striking “(2) In the event” and inserting the following:

“(2) INTERESTS OF TRIBES.—If”;

(C) in paragraph (3), by striking “(3) Neither” and inserting the following:

“(3) DEFENSE.—Neither”; and

(D) by striking “section 18” each place it appears and inserting “section 14”;

(4) in subsection (d), by striking “(d) Nothing” and inserting the following:

“(d) EFFECT OF SECTION.—Nothing”;

(5) in subsection (e), by striking “(e) The” and inserting the following:

“(e) PAYMENT OF LEGAL FEES, COURT COSTS, AND OTHER EXPENSES.—The”; and

(6) by striking subsection (f).

### SEC. 105. PAIUTE INDIAN ALLOTMENTS.

Section 9 of the Act of December 22, 1974 (25 U.S.C. 640d-8), is amended by striking “SEC. 9. Notwithstanding” and inserting the following:

#### “SEC. 5. PAIUTE INDIAN ALLOTMENTS.

“Notwithstanding”.

### SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.

Section 10 of the Act of December 22, 1974 (25 U.S.C. 640d-9), is amended—

(1) by striking “SEC. 10. (a) Subject” and inserting the following:

#### “SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.

“(a) NAVAJO TRUST LAND.—Subject”;

(2) in subsection (a), by striking “section 9 and subsection (a) of section 17” and inserting “sections 5 and 13(a)”;

(3) in subsection (b)—

(A) by striking “(b) Subject” and inserting the following:

“(b) HOPI TRUST LAND.—Subject”;

(B) by striking “section 9 and subsection (a) of section 17” and inserting “sections 5 and 13(a)”;

(C) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”; and

(D) by striking “section 8” and inserting “section 4”;

(4) in subsection (c)—

(A) by striking “(c) The” and inserting the following:

“(c) PROTECTION OF RIGHTS AND PROPERTY.—The”; and

(B) by striking “pursuant thereto” and all that follows through the end of the subsection and inserting “pursuant to this Act”;

(5) in subsection (d), by striking “(d) With” and inserting the following:

“(d) PROTECTION OF BENEFITS AND SERVICES.—With”; and

(6) in subsection (e)—

(A) by striking “(e)(1) Lands” and inserting the following:

“(e) TRIBAL JURISDICTION OVER PARTITIONED LAND.—

“(1) IN GENERAL.—Land”;

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately; and

(C) in the matter following subparagraph (B)—

(i) by striking “The provisions” and inserting the following:

“(2) RESPONSIBILITY OF SECRETARY.—The provisions”; and

(ii) by striking “life tenants and”.

### SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.

(a) IN GENERAL.—Section 11(a) of the Act of December 22, 1974 (25 U.S.C. 640d-10(a)), is amended—

(1) by striking “SEC. 11. (a) The Secretary” and inserting the following:

#### “SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.

“(a) TRANSFER OF LAND.—

“(1) IN GENERAL.—The Secretary”;

(2) by striking “(1) transfer not to exceed two hundred and fifty thousand acres of lands” and inserting the following:

“(A) transfer not more than 250,000 acres of land (including any acres previously transferred under this Act)”; and



(3) by striking “Tribe: *Provided*, That” and all that follows through “as possible.” and inserting “Tribe; and”;

(4) in the first paragraph designated as paragraph (2)—

(A) by striking “(2) on behalf” and inserting the following:

“(B) on behalf”; and

(B) by striking the second sentence;

(5) in the matter following paragraph (1)(B) (as redesignated by paragraph (4))—

(A) in the first sentence—

(i) by striking “Subject to” and all that follows through “all rights” and inserting the following:

“(4) REQUIREMENTS OF TRANSFER.—

“(A) IN GENERAL.—Subject to this paragraph, all rights”; and

(ii) by striking “paragraph (1)” and inserting “paragraph (1)(A)”;

(B) in the second sentence, by striking “So long as” and inserting the following:

“(B) COAL LEASE APPLICATIONS.—

“(i) IN GENERAL.—If”;

(C) in the third sentence, by striking “If such adjudication” and inserting the following:

“(i) ISSUANCE OF LEASES.—If an adjudication under clause (i)”;

(D) in the fourth sentence, by striking “The leaseholders rights and interests” and inserting the following:

“(iii) RIGHTS AND INTERESTS OF LEASEHOLDERS.—The rights and interests of a holder of a lease described in clause (i)”;

(E) in the fifth sentence, by striking “If any” and inserting the following:

“(C) CLAIMS UNDER MINING LAW.—If any”;

(6) by inserting after paragraph (1)(B) (as redesignated by paragraph (4)) the following:

“(2) EXCHANGE OF LAND.—

“(A) IN GENERAL.—In order to facilitate a transfer of land under paragraph (1)(A), the Secretary may exchange land described in paragraph (1)(A) for State or private land of equal value.

“(B) UNEQUAL VALUE.—If the State or private land described in subparagraph (A) is of unequal value to the land described in paragraph (1)(A), the recipient of the land that is of greater value shall pay to the other party to the exchange under subparagraph (A) compensation in an amount not to exceed the lesser of—

“(i) the difference between the values of the land exchanged; or

“(ii) the amount that is 25 percent of the total value of the land transferred from the Secretary to the Navajo Tribe.

“(C) RESPONSIBILITY OF SECRETARY.—The Secretary shall make reasonable efforts to reduce any payment under subparagraph (B) to the lowest practicable amount.

“(3) TITLE TO LAND ACCEPTED.—The Secretary shall accept title to land under subparagraphs (A) and (B) of paragraph (1) on behalf of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo reservation.”; and

(7) in the second paragraph designated as paragraph (2)—

(A) in the first sentence—

(i) by striking “(2) Those” and inserting the following:

“(5) STATE RIGHTS.—

“(A) IN GENERAL.—The”; and

(ii) by striking “subsection 2 of this section” and inserting “paragraph (1)(B)”;

(B) in the second sentence, by striking “The” and inserting the following:

“(B) STATE INTERESTS.—The”.

(b) PROXIMITY OF LAND; EXCHANGES OF LAND.—Section 11(b) of the Act of December 22, 1974 (25 U.S.C. 640d-10(b)), is amended by striking “(b) A border” and inserting the following:

“(b) PROXIMITY OF LAND TO BE TRANSFERRED OR ACQUIRED.—A border”.

(c) SELECTION OF LAND.—Section 11(c) of the Act of December 22, 1974 (25 U.S.C. 640d-10(c)), is amended—

(1) by striking “(c) Lands” and inserting the following:

“(c) SELECTION OF LAND TO BE TRANSFERRED OR ACQUIRED.—Land”; and

(2) by striking the period at the end and inserting the following: “: *Provided further*, That the authority of the Commissioner to select lands under this subsection shall terminate on September 30, 2008.”.

(d) REPORTS.—Section 11(d) of the Act of December 22, 1974 (25 U.S.C. 640d-10(d)), is amended by striking “(d) The” and inserting the following:

“(d) REPORTS.—The”.

(e) PAYMENTS.—Section 11(e) of the Act of December 22, 1974 (25 U.S.C. 640d-10(e)), is amended by striking “(e) Payments” and inserting the following:

“(e) PAYMENTS.—Payments”.

(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—Section 11(f) of the Act of December 22, 1974 (25 U.S.C. 640d-10(f)), is amended—

(1) by striking “(f)(1) For” and inserting the following:

“(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—

“(1) IN GENERAL.—For”;

(2) in paragraph (2), by striking “(2) If” and inserting the following:

“(2) PUBLIC NOTICE; REPORT.—If”; and

(3) in paragraph (3), by striking “(3) In any case where” and inserting the following:

“(3) RIGHTS OF SUBSURFACE OWNERS.—If”.

(g) LAND NOT AVAILABLE FOR TRANSFER.—Section 11(g) of the Act of December 22, 1974 (25 U.S.C. 640d-10(g)), is amended by striking “(g) No” and inserting the following:

“(g) LAND NOT AVAILABLE FOR TRANSFER.—No”.

(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—Section 11(h) of the Act of December 22, 1974 (25 U.S.C. 640d-10(h)), is amended—

(1) by striking “(h) The lands” and inserting the following:

“(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—

“(1) IN GENERAL.—The land”; and

(2) by adding at the end the following:

“(2) RELOCATION.—

“(A) IN GENERAL.—In order to facilitate relocation of a member of a Tribe, the Commissioner may grant a homesite lease on land acquired under this section to a member of the extended family of a Navajo Indian who is certified as eligible to receive benefits under this Act.

“(B) EXCEPTION.—The Commissioner may not use any funds available to the Commissioner to carry out this Act to provide housing to an extended family member described in subparagraph (A).”.

(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—Section 11(i) of the Act of December 22, 1974 (25 U.S.C. 640d-10(i)), is amended—

(1) by striking “(i) The” and inserting the following:

“(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—The”; and

(2) by striking “section 23” and inserting “section 19”.

#### SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

Section 12 of the Act of December 22, 1974 (25 U.S.C. 640d-11), is amended—

(1) by striking “Sec. 12. (a) There is hereby” and inserting the following:

#### “SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

“(a) ESTABLISHMENT.—There is”;

(2) in subsection (b), by striking “(b) The” and inserting the following:

“(b) APPOINTMENT.—The”;

(3) in subsection (c)—

(A) by striking “(c)(1)(A) Except” and inserting the following:

“(c) CONTINUATION OF POWERS.—

“(1) POWERS AND DUTIES OF COMMISSIONER; EXISTING FUNDS.—

“(A) POWERS AND DUTIES OF COMMISSIONER.—Except”;

(B) in paragraph (1)(B), by striking “(B) All” and inserting the following:

“(B) EXISTING FUNDS.—All”; and

(C) in paragraph (2), by striking “(2) There are hereby” and inserting the following:

“(2) TRANSFER OF POWERS.—There are”;

(4) in subsection (d)—

(A) by striking “(d)(1) Subject” and inserting the following:

“(d) POWERS OF COMMISSIONER.—

“(1) IN GENERAL.—Subject”;

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately;

(C) in paragraph (2), by striking “(2) The” and inserting the following:

“(2) CONTRACTS.—The”; and

(D) in paragraph (3), by striking “(3) There” and inserting the following:

“(3) AUTHORIZATION OF APPROPRIATIONS.—There”;

(5) in subsection (e)—

(A) by striking “(e)(1)” and inserting the following:

“(e) ADMINISTRATION.—

“(1) ADMINISTRATIVE, FISCAL, AND HOUSEKEEPING SERVICES.—”;

(B) in paragraph (1)—

(i) in the first sentence, by striking “The” and inserting the following:

“(A) IN GENERAL.—The”; and

(ii) in the second sentence, by striking “In any” and inserting the following:

“(B) ASSISTANCE FROM DEPARTMENTS AND AGENCIES.—In any”; and

(C) in paragraph (2), by striking “(2) On” and inserting the following:

“(2) FAILURE TO PROVIDE ASSISTANCE.—On”;

(6) by striking subsection (f) and inserting the following:

“(f) TERMINATION.—

“(1) IN GENERAL.—The Office of Navajo and Hopi Indian Relocation shall terminate on September 30, 2008.

“(2) TRANSFER OF OFFICE DUTIES.—On the date of termination of the Office, any duty of the Office that has not been carried out, as determined in accordance with this Act, shall be transferred to the Secretary in accordance with title II of the Navajo-Hopi Land Settlement Amendments of 2005.”; and

(7) by adding at the end the following:

“(g) EASE OF TRANSITION.—Beginning on the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Secretary may—

“(1) consult with the Commissioner regarding the transfer of the responsibilities of the Office of Navajo and Hopi Indian Relocation to the Department of the Interior; and

“(2) take any action the Secretary determines to be necessary to assume the responsibilities of the Office on September 30, 2008.”.

#### SEC. 109. REPORT.

Section 13 of the Act of December 22, 1974 (25 U.S.C. 640d-12), is amended—

(1) by striking “Sec. 13. (a) By no” and inserting the following:

#### “SEC. 9. REPORT.

“(a) IN GENERAL.—Not”; and

(2) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) INCLUSIONS.—The”; and

(B) by striking “contain, among other matters, the following:” and inserting “include—”.

**SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.**

Section 14 of the Act of December 22, 1974 (25 U.S.C. 640d-13), is amended—

(1) by striking “SEC. 14. (a)” and inserting the following:

**“SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.**

“(a) AUTHORIZATION.—”;  
 (2) in subsection (a)—  
 (A) in the first sentence—  
 (i) by striking “Consistent” and inserting the following:

“(1) IN GENERAL.—Consistent”;  
 (ii) by striking “section 8” each place it appears and inserting “section 4”;

(iii) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”; and

(iv) by inserting “, or, after September 30, 2008, the Attorney General,” after “the Commissioner”;

(B) by striking the second sentence;  
 (C) in the third sentence, by striking “No further” and inserting the following:

“(2) SETTLEMENTS OF NAVAJO.—No further”;

(D) in the fourth sentence, by striking “No further” and inserting the following:

“(3) SETTLEMENTS OF HOPI.—No further”;

and  
 (E) in the fifth sentence, by striking “No individual” and inserting the following:

“(4) GRAZING.—No individual”;

(3) in subsection (b)—

(A) by striking “(b) In addition” and inserting the following:

“(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSEHOLDS.—In addition”;

(B) by striking “section 15” and inserting “section 11”; and

(C) by striking “section 13” and inserting “section 9”;

(4) in subsection (c), by striking “(c) No” and inserting the following:

“(c) PAYMENTS FOR PERSONS MOVING AFTER A CERTAIN DATE.—No”; and

(5) by adding at the end the following:

“(d) PROHIBITION.—No payment for benefits under this Act may be made to any head of a household if, as of September 30, 2008, that head of household has not been certified as eligible to receive the payment.”.

**SEC. 111. RELOCATION HOUSING.**

Section 15 of the Act of December 22, 1974 (25 U.S.C. 640d-14), is amended—

(1) by striking “SEC. 15. (a)” and inserting the following:

**“SEC. 11. RELOCATION HOUSING.**

“(a) PURCHASE OF HABITATION AND IMPROVEMENTS.—”;  
 (2) in subsection (a)—

(A) in the first sentence, by striking “The Commission” and inserting the following:

“(1) IN GENERAL.—The Commission”; and

(B) in the second sentence—

(i) by striking “The purchase” and inserting the following:

“(2) PURCHASE PRICE.—The purchase”; and

(ii) by striking “as determined under clause (2) of subsection (b) of section 13”;

(3) in subsection (b)—

(A) by striking “(b) In addition” and inserting the following:

“(b) REIMBURSEMENT FOR MOVING EXPENSES AND PAYMENT FOR REPLACEMENT DWELLING.—In addition”;

(B) by striking “shall.” and inserting “shall—”; and

(C) in paragraph (1), by inserting “and” after the semicolon at the end;

(4) in subsection (c)—

(A) by striking “(c) In implementing” and inserting the following:

“(c) STANDARDS; CERTAIN PAYMENTS.—

“(1) STANDARDS.—In carrying out”; and

(B) in the second sentence—

(i) by striking “No payment” and inserting the following:

“(2) CERTAIN PAYMENTS.—No payment”; and

(ii) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 8 or section 3 or 4”;

(5) in subsection (d)—

(A) by striking “(d) The” and inserting the following:

“(d) METHODS OF PAYMENT.—The”;  
 (B) by striking “(1) Should” and inserting the following:

“(1) HOME OWNERSHIP OPPORTUNITY PROJECTS.—Should”;

(C) by striking “(2) Should” and inserting the following:

“(2) PURCHASED AND CONSTRUCTED DWELLINGS.—Should”; and

(D) by striking “(3) Should” and inserting the following:

“(3) FAILURE TO ARRANGE RELOCATION.—Should”;

(6) in subsection (e)—

(A) by striking “(e) The” and inserting the following:

“(e) DISPOSAL OF ACQUIRED DWELLINGS AND IMPROVEMENTS.—The”;

(B) by striking “section 8” and inserting “section 4”; and

(C) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;

(7) in subsection (f), by striking “(f) Notwithstanding” and inserting the following:

“(f) PREFERENTIAL TREATMENT.—Notwithstanding”; and

(8) by striking subsection (g) and inserting the following:

“(g) BENEFITS.—

“(1) IN GENERAL.—Not later than September 30, 2008, the Commissioner shall notify the Secretary and each Tribe of the identity of any head of household member of the Tribe that, as of that date—

“(A) is certified as eligible to receive benefits under this Act;

“(B) does not reside on land that has been partitioned to the Tribe; and

“(C) has not received a replacement home.

“(2) TRANSFER OF FUNDS.—Not later than September 30, 2008, and except as provided in paragraph (4), the Commissioner shall—

“(A) transfer to the Secretary any funds not used by the Commissioner to make payments under this Act to eligible heads of households; and

“(B) provide a notice to each Tribe regarding the amount of the funds transferred under subparagraph (B).

“(3) DISPOSITION OF TRANSFERRED FUNDS.—

“(A) IN GENERAL.—The Secretary shall hold any funds transferred under paragraph (2) for the heads of households described in paragraph (1)(A) until the date on which a request for the funds, or a portion of the funds, is submitted to the Secretary by—

“(i) an eligible head of household; or

“(ii) the Tribe, acting with the consent of such a head of household.

“(B) PAYMENT AMOUNTS.—Of the funds held under subparagraph (A), the Secretary shall make payments to the Tribe or heads of households described in paragraph (1)(A) in amounts that would have been made to the heads of households under this Act before September 30, 2008—

“(i) on receipt of a request of a head of household, to be used for a replacement home; or

“(ii) on the date of death of the head of household, if the head of household does not make a request under clause (i), in accordance with subparagraph (C).

“(C) DISTRIBUTION OF FUNDS ON DEATH OF HEAD OF HOUSEHOLD.—If the Secretary holds funds under this paragraph for a head of household described in paragraph (1)(A) on the death of the head of household, the Secretary shall—

“(i) identify and notify any heir of the head of household, in accordance with applicable law; and

“(ii) distribute the funds held by the Secretary for the head of household to any heir—

“(I) immediately, if the heir is at least 18 years old; or

“(II) if the heir is younger than 18 years old on the date on which the Secretary identified the heir, on the date on which the heir attains the age of 18.

“(D) CLAIMS OF COMPETING HEIRS.—Any claim to a distribution under subparagraph (C) that is disputed by any competing heir of a head of household shall be determined during the probate process in accordance with applicable law.

“(4) DISPUTED ELIGIBILITY CLAIMS.—

“(A) TRANSFER OF FUNDS.—Not later than September 30, 2008, the Commissioner shall transfer to the Secretary an appropriate percentage, as determined by the Commissioner, of the funds not used by the Commissioner to make payments under this Act to eligible heads of households.

“(B) DISPOSITION OF TRANSFERRED FUNDS.—

“(i) IN GENERAL.—The Secretary shall hold any funds transferred under subparagraph (A) for any individual the status of whom under this Act is the subject of a dispute with the Commissioner.

“(ii) DISTRIBUTIONS TO HEADS OF HOUSEHOLDS.—If an individual described in clause (i) is identified by the Commissioner as a head of household described in paragraph (1), the Secretary shall distribute funds transferred under subparagraph (A) to the individual in accordance with paragraph (3).

“(h) NOTIFICATION.—

“(1) IN GENERAL.—To the extent not already provided, not later than 180 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall notify each eligible head of household who has not entered into a lease with the Hopi Tribe to reside on land partitioned to the Hopi Tribe, in accordance with section 700.138 of title 25, Code of Federal Regulations (or a successor regulation).

“(2) LIST.—On the date on which a notice period referred to in section 700.139 of title 25, Code of Federal Regulations (or a successor regulation), expires, the Commissioner shall submit to the Secretary and the United States Attorney for the District of Arizona a list containing the name and address of each eligible head of household who—

“(A) continues to reside on land that has not been partitioned to the Tribe of the head of household; and

“(B) has not entered into a lease to reside on that land.

“(3) CONSTRUCTION OF REPLACEMENT HOMES.—Before July 1, 2008, but not later than 90 days after receiving a notice of the imminent removal of a relocatee from land provided to the Navajo Tribe or the Hopi Tribe under this Act, the Commissioner shall—

“(A) make an eligibility determination with respect to the relocatee in accordance with any appropriate policy or procedure; and

“(B) on a determination under subparagraph (A) that the relocatee is eligible for relocation—

“(i) begin construction of a replacement home on any land acquired under section 6; or

“(ii) if the relocatee is not eligible for relocation, make a determination regarding the relocation of the relocatee.”.

“(ii) establish a fund for the benefit of the relocatee, to be administered in accordance with this section.

“(i) APPEALS.—

“(1) IN GENERAL.—The Commissioner shall establish an expedited hearing procedure for any appeal relating to the denial of eligibility for benefits under this Act (including regulations promulgated pursuant to this Act) that is pending on, or filed after, the date of enactment of Navajo-Hopi Land Settlement Amendments of 2005.

“(2) FINAL DETERMINATIONS.—The hearing procedure established under paragraph (1) shall—

“(A) provide for a hearing before an impartial third party, as the Commissioner determines necessary; and

“(B) ensure that a final determination is made by the Office of Navajo and Hopi Indian Relocation for each appeal described in paragraph (1) by not later than January 1, 2008.

“(j) PROCUREMENT OF SERVICES.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, to ensure the full and fair evaluation of an appeal hearing before an impartial third party referred to in subsection (i)(2)(A), the Commissioner may enter into such contracts or agreements to procure such services, and employ such personnel (including attorneys), as the Commissioner determines to be necessary.

“(2) DETAIL OF ADMINISTRATIVE LAW JUDGES OR HEARING OFFICERS.—The Commissioner may request the Secretary to act through the Director of the Office of Hearings and Appeals to make available to the Office of Navajo and Hopi Indian Relocation an administrative law judge or other hearing officer with appropriate qualifications, as determined by the Commissioner.

“(k) APPEAL TO UNITED STATES CIRCUIT COURT OF APPEALS.—

“(1) IN GENERAL.—Subject to paragraph (3), any individual who, under the procedures established by the Commissioner pursuant to this section, is determined not to be eligible to receive benefits under this Act may appeal that determination to the United States Circuit Court of Appeals for the Ninth Circuit (referred to in this subsection as the ‘Circuit Court’).

“(2) REVIEW.—

“(A) IN GENERAL.—The Circuit Court shall, with respect to each appeal described in paragraph (1)—

“(i) review the entire record (as certified to the Circuit Court under paragraph (3)) on which a determination of the ineligibility of the appellant to receive benefits under this Act was based; and

“(ii) on the basis of that review, affirm or reverse that determination.

“(B) STANDARD OF REVIEW.—The Circuit Court shall affirm any determination that the Circuit Court determines to be supported by substantial evidence.

“(3) NOTICE OF APPEAL.—

“(A) IN GENERAL.—To the extent not already provided by this Act or other applicable Federal law, not later than 30 days after a determination of ineligibility under paragraph (1), an affected individual shall file a notice of appeal with—

“(i) the Circuit Court; and

“(ii) the Commissioner.

“(B) CERTIFICATION OF RECORD.—On receipt of a notice under subparagraph (A)(ii), the Commissioner shall submit to the Circuit Court the certified record on which the determination that is the subject of the appeal was made.

“(C) REVIEW PERIOD.—Not later than 60 days after receiving a certified record under subparagraph (B), the Circuit Court shall conduct a review and file a decision regarding an appeal in accordance with paragraph (2).

“(D) BINDING DECISION.—A decision made by the Circuit Court under this subsection shall be final and binding on all parties.”.

**SEC. 112. PAYMENT FOR USE OF LAND.**

Section 16 of the Act of December 22, 1974 (25 U.S.C. 640d-15), is amended—

(1) by striking “SEC. 16. (a) The Navajo” and inserting the following:

**“SEC. 12. PAYMENT FOR USE OF LAND.**

“(a) IN GENERAL.—The Navajo”;

(2) in subsection (a), by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” before “sections 8 and 3 or 4”; and

(3) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) PAYMENT.—The”; and

(B) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “sections 8 and 3 or 4”.

**SEC. 113. EFFECT OF ACT.**

Section 17 of the Act of December 22, 1974 (25 U.S.C. 640d-16), is amended—

(1) by striking “SEC. 17. (a)” and inserting the following:

**“SEC. 13. EFFECT OF ACT.**

“(a) TITLE, POSSESSION, AND ENJOYMENT.—”;

(2) in subsection (a)—

(A) in the first sentence, by striking “Nothing” and inserting the following:

“(1) IN GENERAL.—Nothing”; and

(B) in the second sentence, by striking “Such” and inserting the following:

“(2) RESIDENCE ON OTHER RESERVATIONS.—Any”; and

(3) in subsection (b), by striking “(b) Nothing” and inserting the following:

“(b) FEDERAL EMPLOYEES.—Nothing”.

**SEC. 114. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.**

Section 18 of the Act of December 22, 1974 (25 U.S.C. 640d-17), is amended—

(1) by striking “SEC. 18. (a) Either” and inserting the following:

**“SEC. 14. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.**

“(a) ACTIONS BY TRIBES.—Either”;

(2) in subsection (a), by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”; and

(3) in subsection (b)—

(A) by striking “(b) Neither” and inserting the following:

“(b) DEFENSES.—Neither”; and

(B) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”; and

(4) in subsection (c)—

(A) by striking “(c) Either” and inserting the following:

“(c) FURTHER ORIGINAL, ANCILLARY, OR SUPPLEMENTARY ACTS TO ENSURE QUIET ENJOYMENT.—

“(1) IN GENERAL.—Either”; and

(B) in the second sentence, by striking “Such actions” and inserting the following:

“(2) ACTION THROUGH CHAIRMAN.—An action under paragraph (1)”;

(5) in subsection (d)—

(A) by striking “(d) Except” and inserting the following:

“(d) UNITED STATES AS PARTY; JUDGMENTS AGAINST THE UNITED STATES.—

“(1) IN GENERAL.—Except”; and

(B) in the second sentence, by striking “Any judgment or judgments” and inserting the following:

“(2) EFFECT OF JUDGMENTS.—Any judgment”; and

(6) in subsection (e), by striking “(e) All” and inserting the following:

“(e) REMEDIES.—All”.

**SEC. 115. JOINT USE.**

Section 19 of the Act of December 22, 1974 (25 U.S.C. 640d-18), is amended—

(1) by striking “SEC. 19. (a) Notwithstanding” and inserting the following:

**“SEC. 15. JOINT USE.**

“(a) REDUCTION OF LIVESTOCK.—

“(1) IN GENERAL.—Notwithstanding”;

(2) in subsection (a)(1) (as designated by paragraph (1))—

(A) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”; and

(B) in the second sentence, by striking “The Secretary is directed to” and inserting the following:

“(2) CONSERVATION PRACTICES AND METHODS.—The Secretary shall”;

(3) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—The”; and

(B) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “sections 8 and 3 or 4” each place it appears; and

(4) in subsection (c)—

(A) by striking “(c)(1) Surveying” and inserting the following:

“(c) SURVEYING, MONUMENTING, AND FENCING; LIVESTOCK REDUCTION PROGRAM.—

“(1) SURVEYING, MONUMENTING, AND FENCING.—Surveying”;

(B) in paragraph (1)—

(i) by striking “of this Act” and inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)”; and

(ii) by striking “section 8” and inserting “section 4”; and

(C) in paragraph (2), by striking “(2) The” and inserting the following:

“(2) LIVESTOCK REDUCTION PROGRAM.—The”.

**SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.**

Section 20 of the Act of December 22, 1974 (25 U.S.C. 640d-19), is amended by striking “SEC. 20. The members” and inserting the following:

**“SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF WATER.**

“The members”.

**SEC. 117. ACCESS TO RELIGIOUS SHRINES.**

Section 21 of the Act of December 22, 1974 (25 U.S.C. 640d-20), is amended by striking “SEC. 21. Notwithstanding” and inserting the following:

**“SEC. 17. ACCESS TO RELIGIOUS SHRINES.**

“Notwithstanding”.

**SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.**

Section 22 of the Act of December 22, 1974 (25 U.S.C. 640d-21), is amended—

(1) by striking “SEC. 22. The availability” and inserting the following:

**“SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.**

“(a) IN GENERAL.—The availability”; and

(2) by striking “None of the funds” and inserting the following:

“(b) FEDERAL AND STATE INCOME TAXES.—None of the funds”.

**SEC. 119. AUTHORIZATION OF EXCHANGE.**

Section 23 of the Act of December 22, 1974 (25 U.S.C. 649d-22), is amended—

(1) by striking “SEC. 23. The Navajo” and inserting the following:

**“SEC. 19. AUTHORIZATION OF EXCHANGE.**

“(a) IN GENERAL.—The Navajo”; and

(2) in the second sentence—

(A) by striking “In the event that the Tribes should” and inserting the following:

“(b) NEGOTIATED EXCHANGES.—If the Tribes”; and

(B) by striking “sections 14 and 15” and inserting “sections 10 and 11”.

#### SEC. 120. SEVERABILITY.

Section 24 of the Act of December 22, 1974 (25 U.S.C. 640d-23), is amended by striking “SEC. 24. IF” and inserting the following:

“SEC. 20. SEVERABILITY.  
“If”.

#### SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d-24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

#### “SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

“(a) RELOCATION OF HOUSEHOLDS AND MEMBERS.—There is authorized to be appropriated to carry out section 10(b) \$13,000,000 for each of fiscal years 2006 through 2008.

“(b) RELOCATION OF HOUSEHOLDS AND MEMBERS.—There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.

“(c) RETURN TO CARRYING CAPACITY AND INSTITUTION OF CONSERVATION PRACTICES.—There is authorized to be appropriated to carry out section 15(a) \$10,000,000 for each of fiscal years 2006 through 2008.

“(d) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—There is authorized to be appropriated to carry out section 15(b) \$500,000 for each of fiscal years 2006 through 2008.”.

#### SEC. 122. DISCRETIONARY FUND.

Section 27 of the Act of December 22, 1974 (25 U.S.C. 640d-25), is amended by striking “SEC. 27.” and all that follows through “(c) The Secretary” and inserting the following:

#### “SEC. 21. DISCRETIONARY FUND.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to a discretionary fund of the Commissioner to carry out this Act—

“(1) \$6,000,000 for the period of fiscal years 2006 through 2008; and

“(2) such sums as are necessary for each subsequent fiscal year.

“(b) HOPI HIGH SCHOOL AND MEDICAL CENTER.—The Secretary”.

#### SEC. 123. ATTORNEY FEES AND COURT COSTS.

Section 29 of the Act of December 22, 1974 (25 U.S.C. 640d-27), is amended—

(1) by striking “SEC. 29. (a)” and inserting the following:

#### “SEC. 22. ATTORNEY FEES AND COURT COSTS.

“(a) IN GENERAL.—”; and

(2) in subsection (a)—

(A) by striking “In any” and inserting the following:

“(1) IN GENERAL.—In any”; and

(B) by striking “For each” and inserting the following:

“(2) AUTHORIZATION OF APPROPRIATIONS.—For each”; and

(3) in subsection (b)—

(A) by striking “(b) Upon” and inserting the following:

“(b) AWARD BY COURT.—

“(1) IN GENERAL.—On”; and

(B) in the second sentence, by striking “Any party” and inserting the following:

“(2) REIMBURSEMENT OF UNITED STATES.—Any party”; and

(4) in subsection (c), by striking “(c) To” and inserting the following:

“(c) EXCESS DIFFERENCE.—To”; and

(5) in subsection (d)—

(A) by striking “(d) This” and inserting the following:

“(d) APPLICATION OF SECTION.—This”; and

(B) by striking “section 8 or 18(a) of this Act” and inserting “section 4 or section 14(a)”.

#### SEC. 124. LOBBYING.

Section 31 of the Act of December 22, 1974 (25 U.S.C. 640d-29), is amended—

(1) by striking “SEC. 31. (a) Except” and inserting the following:

#### “SEC. 23. LOBBYING.

“(a) IN GENERAL.—Except”; and

(2) in subsection (b), by striking “(b) Subsection” and inserting the following:

“(b) APPLICABILITY.—Subsection”.

#### SEC. 125. NAVAJO REHABILITATION TRUST FUND.

The first section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640d-30), is amended—

(1) by striking “SEC. 32. (a) There” and inserting the following:

#### “SEC. 24. NAVAJO REHABILITATION TRUST FUND.

“(a) ESTABLISHMENT.—There”; and

(2) in subsection (b), by striking “(b) All” and inserting the following:

“(b) DEPOSIT OF INCOME INTO FUND.—All”; and

(3) in subsection (c), by striking “(c) The” and inserting the following:

“(c) INVESTMENT OF FUNDS.—The”; and

(4) in subsection (d)—

(A) by striking “(d) Funds” and inserting the following:

“(d) AVAILABILITY OF FUNDS.—Funds”; and

(B) in paragraph (1), by striking “proceedings,” and inserting “proceedings;”; and

(C) in paragraph (2), by striking “Act, or” and inserting “Act; or”; and

(5) in subsection (e)—

(A) by striking “(e) By December 1” and inserting the following:

“(e) EXPENDITURE OF FUNDS.—

“(1) IN GENERAL.—Not later than December 1”; and

(B) in the second sentence, by striking “Such framework is to be” and inserting the following:

“(2) REQUIREMENT.—The framework under paragraph (1) shall be”; and

(6) in subsection (f)—

(A) by striking “(f) The” and inserting the following:

“(f) TERMINATION.—

“(1) IN GENERAL.—The”; and

(B) in the second sentence, by striking “All funds” and inserting the following:

“(2) TRANSFER OF REMAINING FUNDS.—All funds”; and

(7) by striking subsection (g).

#### SEC. 126. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.

The second section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640-31), is amended by striking “SEC. 32. Nothing” and inserting the following:

#### “SEC. 25. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.”.

“Nothing”.

### TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

#### SEC. 201. DEFINITIONS.

In this title:

(1) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “agency” in section 551(1) of title 5, United States Code.

(2) FUNCTION.—The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program carried out under Federal law in accordance with the purposes of the Office.

(3) OFFICE.—The term “Office” means the Office of Navajo and Hopi Relocation (including any component of that office).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

#### SEC. 202. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Effective beginning on September 30, 2008, there is transferred to

the Secretary any function of the Office that has not been carried out by the Office in accordance with the Act of December 22, 1974 (25 U.S.C. 640 et seq.) (as amended by title I).

(b) MEMORANDUM OF AGREEMENT.—Not later than September 29, 2008, the Secretary, in consultation with the Director of the Office of Management and Budget, may enter into a memorandum of agreement with the Office, as the Secretary determines to be appropriate to facilitate the transfer under subsection (a).

#### SEC. 203. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The Secretary may appoint and fix the compensation of such officers and employees as the Secretary determines to be necessary to carry out any function transferred under this title.

(b) REQUIREMENTS.—Except as otherwise provided by law—

(1) any officer or employee described in subsection (a) shall be appointed in accordance with the civil service laws; and

(2) the compensation of such an officer or employee shall be fixed in accordance with title 5, United States Code.

#### SEC. 204. DELEGATION AND ASSIGNMENT.

(a) IN GENERAL.—Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary may delegate any of the functions transferred to the Secretary by this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of the Interior as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate.

(b) DELEGATION.—No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of the functions.

#### SEC. 205. REORGANIZATION.

The Secretary is authorized to allocate or reallocate any function transferred under section 202 among the officers of the Department of the Interior, and to establish, consolidate, alter, or discontinue such organizational entities in the Department of the Interior as the Secretary determines to be necessary or appropriate.

#### SEC. 206. RULES.

The Secretary is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines to be necessary or appropriate to administer and manage the functions of the Department of the Interior.

#### SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of the Interior in accordance with section 3503 of title 5, United States Code.

(b) UNEXPENDED FUNDS.—Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

#### SEC. 208. INCIDENTAL TRANSFERS.

The Secretary is authorized to make such determinations as may be necessary to accept the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities,

grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title.

#### SEC. 209. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of the employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of the Interior to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this title, shall terminate on the effective date of this title.

#### SEC. 210. SEPARABILITY.

If a provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

#### SEC. 211. TRANSITION.

The Secretary is authorized to use—

(1) the services of such officers, employees, and other personnel of the Office with respect to functions transferred to the Department of the Interior by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

#### SEC. 212. REPORTS.

(a) FISCAL YEARS 2007 AND 2008.—For each of fiscal years 2007 and 2008, the Commissioner of the Office, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report describing—

(1) the status of the Office;

(2) any progress made during the preceding year in transferring functions, appropriations, and personnel under this title;

(3) any progress made toward, or obstacle relating to, completing the relocation process under the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (as amended by title I);

(4) the status of the grazing management program on the area commonly known as the “New Lands” of the Navajo Tribe; and

(5) the needs of the Navajo and Hopi Indian tribes to address the affect of relocation activity, if any, including a financial estimate relating to the needs.

(b) SUBSEQUENT FISCAL YEARS.—Not later than 1 year after the effective date of this title, and annually thereafter, the Secretary, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2007 through 2009.

#### SEC. 213. REFERENCES.

Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to—

(1) the Commissioner of the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Secretary; and

(2) the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Department of the Interior.

#### SEC. 214. ADDITIONAL CONFORMING AMENDMENT.

Section 5315 of title 5, United States Code, is amended by striking the item relating to the Commissioner of the Office.

#### SEC. 215. EFFECT OF TITLE.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this title that is in effect on the effective date of this title shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

- (1) the President;
- (2) the Secretary;
- (3) a court of competent jurisdiction; or
- (4) operation of Federal or State law.

(b) PROCEEDINGS NOT AFFECTED.—This title shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this title that is pending before the Office of Navajo and Hopi Relocation on the effective date of this title.

#### SEC. 216. EFFECTIVE DATE.

This title takes effect beginning September 30, 2008.

### TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

#### SEC. 301. SEPARATION PAY.

The Office of Navajo and Hopi Relocation (referred to in this title as the “Office”) may request funding for, and offer to any employee of the Office, voluntary separation incentive payments in accordance with subchapter II of chapter 35 of title 5, United States Code.

#### SEC. 302. FEDERAL RETIREMENT.

The Office may request funding for, and offer to any employee of the Office, voluntary early retirement in accordance with sections 8336(d)(2) and 8414(b)(1) of title 5, United States Code.

**SA 3859.** Mr. ENSIGN (for Mr. McCain) proposed an amendment to amendment SA 3858 proposed by Mr. ENSIGN (for Mr. McCain) to the bill S. 1003, to amend the Act of December 22, 1974, and for other purposes; as follows:

Strike section 121 of the amendment and insert the following:

#### SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d–24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

#### “SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.”

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Com-

mittee on Agriculture, Nutrition and Forestry be authorized to conduct a full committee hearing during the session of the Senate on Tuesday, May 2, 2006, at 9:30 a.m. in SH-216, Hart Senate Office Building. The purpose of this hearing will be to review the implementation of the Peanut Provisions of the Farm Security and Rural Investment Act of 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, May 2, 2006, at 10 a.m. for a business meeting to consider pending committee business.

#### Agenda

Committee Reports: Report of the Committee on Homeland Security and Governmental Affairs titled, “Hurricane Katrina: A Nation Still Unprepared.”

Legislation: S. 2459, GreenLane Maritime Cargo Security Act; H.R. 2066, General Services Administration Modernization Act.

Nominations: Uttam Dhillon to be Director of the Office of Counter-narcotics Enforcement, U.S. Department of Homeland Security; Mark Acton to be Commissioner, Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “FBI Oversight” on Tuesday, May 2, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

#### Witness List:

Panel I: The Honorable Robert S. Mueller, III, Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC.

Panel II: The Honorable Glenn A. Fine, Inspector General, U.S. Department of Justice, Washington, DC; Linda M. Calbom, Director, Financial Management and Assurance, Government Accountability Office, Washington, DC; John Gannon, Ph.D, Vice President for Global Analysis, BAE Systems Information Technology, former Staff Director of the House Homeland Security Committee, McLean, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Judicial Nominations” on Tuesday, May 2, 2006, at 4 p.m. in Room 226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.